

Notice of Allowability

Application No.

10/065,684

Examiner

Ayal I. Sharon

Applicant(s)

DELHOMME ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 9/7/2007.
2. ☒ The allowed claim(s) is/are 1-2 and 4-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Introduction

1. Claims 1-2 and 4-15 of U.S. Application 10/065,684, originally filed on 11/8/2002 are currently pending.
2. The application claims benefit of French Patent Application 0114447, filed on 11/8/2001.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/2007 has been entered.

Examiner's Statement of Reasons for Allowance

4. Claims 1-2 and 4-15 are allowed.
5. The following is an examiner's statement of reasons for allowance for claims 1-2 and 4-15.

6. In regards to the following prior art references, see the discussion of allowable subject matter in pages 5-9 of the Final Office Action dated 4/9/2007:
 - a. U.S. Patent 5,335,542 to Ramakrishnan et al. ("**Ramakrishnan**").
 - b. U.S. Patent 5,663,499 to Semmelbeck et al. ("**Semmelbeck**").
 - c. Cope. G. "Improving Efficiency Through Reservoir Modelling and Production Simulation." Journal of Canadian Petroleum Technology. Apr. 2001. Vol.40, No.4. pp.7-11. ("**Cope**").
 - d. U.S. PG-PUB 2002/0013687 to Ortoleva. ("**Ortoleva**").
7. In regards to the 35 U.S.C. §§ 101 and 112 rejections recited in the Final Office action dated 4/9/2007, the amendments to the claims overcome the rejections.
8. Examiner notes that the Applicants mistakenly point (in the amendment filed 9/7/07) to pages 15-16 of the specification as originally filed, when the relevant support is in paragraph [0042] on pp.9-10 of the specification as originally filed.
9. Examiner also notes that there is support in the specification for the amendments to the claims reciting "computer implemented". Paragraphs [0007] and [0042] in the originally filed specification recite that the dynamic model is usually carried out in a computer.
10. Moreover, Examiner also notes that there is support in the specification for the amendments to the claims reciting "output". Paragraph [0021] recites that the permeability curves are the output obtained from running the dynamic model.

11. In addition, Examiner interprets that the act of storing the permeability curves, as amended into claim 15, is inherent in computer running the dynamic model described in paragraphs [0007], [0021] and [0042].
12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753.

Any response to this office action should be faxed to (571) 273-8300,
or mailed to:

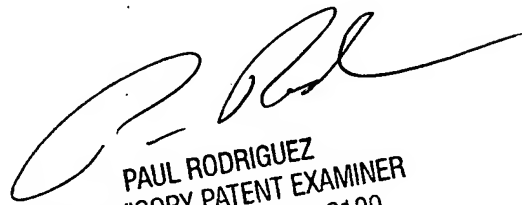
USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:

USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon
Art Unit 2123
November 19, 2007


PAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100